

Smoke-free Public Housing

In July 2009, the federal Housing and Urban Development (HUD) Office of Public & Indian Housing issued a notice titled [*Non-Smoking Policies in Public Housing*](#), which “strongly encourages Public Housing Authorities to implement non-smoking policies in some or all of their public housing units.” HUD reissued the notice in May 2012 with no expiration date. In June 2012, HUD issued two toolkits to assist both tenants and owners and management agents of federally assisted housing to implement smoke-free air policies: [*Smoke-Free Housing Toolkit for Public Housing Authorities and Owners/Management Agents*](#) and [*Smoke-Free Housing Toolkit for Residents*](#).

Why a Smoke-free Air Policy for Public Housing?

- By implementing a smoke-free air policy for public housing, housing authorities will reduce wear and tear on their facilities, and will save money on cleaning and painting expenses. Multi-unit housing owners estimate that it costs anywhere from \$500-\$8,000 extra to restore a housing unit that had a smoker versus a nonsmoker.
- Adopting a smoke-free air policy can reduce the likelihood of fires in public housing. Cigarette smoking is reported as a leading cause of apartment fires and the number one cause of home fire deaths in the U.S. According to the U.S. Fire Administration, an estimated 7,600 smoking-related fires occur annually, resulting in \$326 million in property loss. Four hundred sixty-five lives were lost in multi-unit housing fires in 2009.
- Public housing authorities have the legal right to make their rental property smoke-free. There is no state or federal constitutional right to smoke. Smoke-free policies are not discriminatory as they regulate behavior, not the person.¹
- If a public housing authority has a tenant that is sensitive to secondhand smoke or has breathing disorders, they are required under the Americans with Disabilities Act and/or the Fair Housing Act to provide accommodations to protect the tenant from secondhand smoke in common areas as well as in their own unit.
- As more public housing authorities become aware of the dangers of secondhand smoke and implement smoke-free air policies for their buildings and units, tenants are becoming increasingly aware of the dangers of living in a building without a smoke-free air policy. With the increase of smoke-free apartment buildings, public housing units, and other forms of multi-unit housing and homes, there is an increased interest and demand by tenants for smoke-free multi-unit housing.

Secondhand smoke is one of the leading causes of preventable death. It is a complex mixture of gases and particles that includes smoke from the burning cigarette, cigar, or pipe tip (side stream smoke) and exhaled mainstream smoke. Secondhand smoke cannot be contained. It seeps through light fixtures, doorways, and crawl spaces in buildings where there are smokers. It cannot be controlled by ventilation systems, or by separating smokers from nonsmokers. In fact, heating, ventilation, and air conditioning systems can distribute secondhand smoke throughout a building. The only solution to protect the health of all residents in a multi-unit housing facility is to adopt a smoke-free air policy.

¹ Public Health Law & Policy Technical Assistance Legal Center. (2005). There is no constitutional right to smoke. Retrieved from http://www.hcd.ca.gov/codes/rt/B_ThereIsNoConstitutionalRighttoSmoke_CA_4_05.pdf



How Tenants Can Protect Themselves from Secondhand Smoke:

1. **Do Your Homework:** Look at your lease. It may not specifically address smoking, but there might be terms and conditions about noise or other types of behaviors that can impact residents' quality of life, which could be used to make a case that your neighbors should not be smoking in a way that jeopardizes your quality of life.
2. **Find Allies:** You may not be the only one affected by secondhand smoke in your apartment or condominium complex. Other tenants may be willing and interested in joining with you to find a solution. Find out if any tenants have health problems that make them particularly susceptible to the hazards of secondhand smoke. When discussing the problem of other residents smoking within multi-unit housing with the public housing authority, you are likely to have greater success with many voices instead of one.
3. **Share Information:** Remind your public housing authority that it is legal to adopt a smoke-free air policy. Many owners and management agents are hesitant to adopt a smoke-free policy because they mistakenly think it is illegal or discriminatory to do so. Even with an existing lease, a no-smoking lease addendum can be added at any time. Public housing authorities can also add the policy to their house rules. Place emphasis on public housing authorities having the legal right to institute a smoke free policy. Use HUD Notice PHI 2012-25 and the HUD toolkit to discuss their authority.

How Public Housing Authorities Can Implement a Smoke-free Air Policy:

1. **Make a Plan:** Will you adopt a smoke-free campus or will tenants be able to smoke outside? Start by designating all indoor areas as smoke-free, including individual units. Follow up by limiting smoking outdoors to designated areas.
2. **Engage with Residents and Consult Resident Boards When Considering a New Policy:** Gather with tenants to discuss a potential smoke free policy or survey all of your tenants.
3. **Revise Public Housing Authority Plans, Lease Agreements, and/or Lease Addendums:** When revising your plan, you must include your statement of operation and management and the rules and standards that will apply to your projects. HUD encourages you to revise your lease agreements to include the no-smoking provisions. HUD encourages you to ensure that there is consistent application among all properties and buildings in your housing inventory in which smoke free policies are being implemented
4. **Promote Your Smoke-Free Policy:** Begin advertising your smoke free status to gain new tenants who appreciate a clean and healthy smoke-free environment.
5. **Enforcing Your Policy:** This has been reported to be the easiest part of the process. In fact, enforcing a nonsmoking policy takes less time than mediating disputes between smokers and nonsmokers when a policy is not in place.

Helpful Resources on Smoke-free Public Housing

American Lung Association: www.lung.org
Americans for Nonsmokers' Rights: www.no-smoke.org
ChangeLab Solutions: www.changelabsolutions.org
Live Smoke-Free MN: www.mnsmokefreehousing.org
Smoke Free Environment Law Project: www.tcsg.org/sfelp/home.htm

Tobacco Prevention and Cessation Commission~ www.in.gov/isdh/tpc ~ 317.234.1787
www.QuitNowIndiana.com ~ www.indianaquitline.net



1-800-QUIT NOW
Indiana's Tobacco Quitline